

Message Text

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ACTION PM-03

INFO OCT-01 SS-14 ISO-00 NEA-06 INR-05 L-01 IGA-01 PRS-01

RSC-01 CIAE-00 SP-02 /035 W
----- 068738

P 060945Z JAN 75

FM AMEMBASSY JIDDA

TO SECSTATE WASHDC PRIORITY 9744

SECDEF WASHDC

INFO AMCONSUL DHAHRAN PRIORITY

USMTM DHAHRAN

USCINCEUR VAHINGEN GER

S E C R E T SECTION 1 OF 2 JIDDA 0093

LIMDIS

SECDEF FOR ISA/DSAA

E.O. 11652: GDS

TAGS: MASS, MARR, SA

SUBJECT: USMTM PRIVILEGES AND IMMUNITIES; PROPOSED USMTM FMS CASE
(UNZ)

REF: (A) PROPOSED MOU FOR SAUDI ARABIAN ARMED FORCES
MODERNIZATION PROGRAM UNDATED (CIRCA SEPTEMBER 1974)
(B) MEMORANDA REVIEWING REF A FROM L/PM, L/NEA
AND PM/SAS DATED OCTOBER 29, OCTOBER 31, AND
NOVEMBER 1, 1974 RESPECTIVELY.
(C) PROPOSED FMS CASE UNZ

SUMMARY: EMBASSY PROPOSES THAT PROPOSED USMTM FMS CASE
(UNZ) BE TIED TO A NEW MEMORANDUM OF UNDERSTANDING CONCERN-
ING U.S. MILITARY ASSISTANCE TO SAUDI ARABIA, WHICH WOULD
CONTAIN PARAGRAPH APPLYING TO USMTM PERSONNEL THE PRIVILEGES
AND IMMUNITIES NOW ACCORDED TO COE AND OTHER U.S. MILI-
TARY GROUPS IN COUNTRY. TEXT OF PROPOSED MOU INCLUDED
PARA 4. REQUEST DEPARTMENT'S COMMENTS AND CIRCULAR 175
APPROVAL TO PROCEED WITH PRESENTATION. END SUMMARY.

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1. RECURRENCE OF TRAFFIC ACCIDENTS AND ONE OTHER, MORE SERIOUS INCIDENT, COMBINED WITH PROSPECT OF INCREASING NUMBERS OF U.S. MILITARY AND DOD CIVILIAN PERSONNEL AND DEPENDENTS IN COUNTRY WITH USMTM OR ASSOCIATED TAF TEAMS OR OTHER SURVEY GROUPS, CONVINCES EMBASSY THAT TIME HAS COME TO SEEK MORE FORMAL UNDERSTANDING WITH SAG ON LEGAL STATUS OF SUCH USG PERSONNEL. USMTM STANDS ALONE AMONG U.S. MILITARY ORGANIZATIONS NOW IN COUNTRY IN HAVING NO COMPREHENSIVE WRITTEN GUARANTEE OF PRIVILEGES AND IMMUNITIES SUCH AS THOSE NOW ENJOYED COMMONLY BY CORPS OF ENGINEERS, DETACHMENT 22, AND MEMBERS OF NATIONAL GUARD PROJECT OFFICE. ALTHOUGH IN FINAL ANALYSIS OUR BEST ASSURANCE OF FAVORABLE TREATMENT RESTS UPON GOOD WILL AND UNDERSTANDING ON PART OF SENIOR SAG OFFICIALS, THE EXISTENCE OF WRITTEN GUARANTEES OF FREEDOM FROM INCARCERATION WITHIN AND TRIAL BY SAG INSTITUTIONS WOULD BE HELPFUL IN PROVIDING SAG OFFICIALS BELOW THE MINISTERIAL LEVEL FIRM GROUNDS UPON WHICH THEY THEMSELVES COULD RESOLVE PROBLEMS EXPEDITIOUSLY. IN ATTEMPTING TO GAIN SUCH PRIVILEGES FOR USMTM PERSONNEL, WE BELIEVE THAT THE WIDER APPLICATION OF THE IMMUNITIES NOW GRANTED TO THE CORPS OF ENGINEERS OFFERS THE METHOD MOST LIKELY TO BE ACCEPTED BY SAG.

2. EMBASSY BELIEVES BEST WAY TO RAISE ISSUED WITH SAG IS TO PROPOSE A FURTHER MOU TO PRINCE SULTAN AT TIME WE PRESENT USMTM FMS CASE. DRAFT MOU WHICH FOLLOWS IN PARAGRAPH 4, IN WHICH USMTM HAS CONCURRED, IS BASED SUBSTANTIALLY UPON PROPOSED MOU ON SAUDI ARABIAN ARMED FORCES MODERNIZATION PROGRAM (REF A) PREPARED SHORTLY BEFORE VISIT TO SAUDI ARABIA BY ASSISTANT SECRETARY OF DEFENSE ELLSWORTH. REF A GOES BEYOND ANYTHING SAG HAS ASKED US TO UNDERTAKE. WITH MODIFICATION, HOWEVER, THE DRAFT CAN BE MOLDED INTO A NEW INSTRUMENT WHICH WOULD INCLUDE, INTER ALIA, A STATEMENT INCORPORATING PRIVILEGES AND IMMUNITIES NOW ACCORDED COE PERSONNEL. IN PRESENTING MOU WE WOULD SUGGEST TO SULTAN THAT WHILE BASIC 1953 AGREEMENT CONTINUES TO SERVE US WELL, WE HAVE THOUGHT IT WOULD BE USEFUL. TWENTY-TWO YEARS AFTER ORIGINAL AGREEMENT, TO RESTATE THE OBJECTIVES OF OUR COOPERATION, AND

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TO INSURE EQUAL STATUS AMONG VARIOUS U.S. MILITARY PERSONNEL IN COUNTRY. WE WOULD EMPHASIZE THAT PROPOSED FMS FUNDING IS OUR RESPONSE TO SULTAN'S EARLIER EXPRESSED WISHES THAT ADVISERS COME TO SAUDI ARABIA WITH THEIR FAMILIES FOR LONGER TOURS, NOTING, IF NECESSARY, THAT CONGRESSIONAL RESTRAINTS MAKE IT UNLIKELY THAT DEPARTMENT OF DEFENSE COULD FUND SUCH A PROGRAM ITSELF.

3. WE SEE BENEFIT IN TYING FMS CASE TO NEW MOU. BY PLACING FMS CASE WITHIN CONTEXT OF MOU AFFIRMING USG DESIRE TO ASSIST IN DEFENSE ("SECURITY") FIELD AND EXPLICITLY STATING OUR WILLINGNESS TO PROVIDE VARIOUS GENERAL CATEGORIES OF EQUIPMENT AND SERVICES, WE INCREASE CHANCES THAT FMS FUNDING CONCEPT, AS WELL AS PRIVILEGES AND IMMUNITIES, WILL BE ACCEPTED BY MIN DEF SULTAN. WE WOULD NOT, HOWEVER, WISH TO DELAY UNDULY THE PRESENTATION OF THE FMS PROPOSAL AND WOULD HOPE THAT WASHINGTON COULD EXPEDITIOUSLY REVIEW THE FOLLOWING DRAFT AND, IF IT IS FOUND ACCEPTABLE, OBTAIN THE NECESSARY CIRCULAR 175 AUTHORITY TO UNDERTAKE NEGOTIATIONS.
4. PROPOSED TEXT:

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF SAUDI ARABIA CONCERNING UNITED STATES MILITARY ASSISTANCE TO SAUDI ARABIA.

THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF SAUDI ARABIA HAVE REVIEWED:

1. THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF SAUDI ARABIA RELATING TO MILITARY PROCUREMENT ASSISTANCE EFFECTED BY AN EXCHANGE OF NOTES ON JUNE 18, 1951 AS IMPLEMENTED BY THE AGREEMENT EFFECTED BY AN EXCHANGE OF NOTES ON JUNE 27, 1953;
2. THE AGREEMENT BETWEEN THE TWO GOVERNMENTS RELATING TO CONSTRUCTION OF MILITARY FACILITIES EFFECTED BY AN EXCHANGE OF NOTES OF MAY 24, AND JUNE 5, 1965;

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3. THE CONTINUING DESIRE OF THE TWO GOVERNMENTS FOR MUTUAL COOPERATION TO ENABLE THE GOVERNMENT OF SAUDI ARABIA TO MAINTAIN ITS INTERNAL SECURITY AND TO PROVIDE FOR ITS LEGITIMATE SELF-DEFENSE, SO AS TO STRENGTHEN THE SECURITY OF THE SAUDI ARABIAN GOVERNMENT AND PEOPLE.

IN CONSEQUENCE AND IN ACCORDANCE WITH THIS REVIEW, THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF SAUDI ARABIA DO HEREBY AGREE AS FOLLOWS:

- I. DEFENSE ARTICLES AND SERVICES TO BE PROVIDED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA

THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL, AS MUTUALLY AGREED, AND SUBJECT TO THE CONTINUATION OF

LEGISLATIVE AUTHORITY:

A. PROVIDE ON A REIMBURSABLE BASIS UNDER THE FOREIGN MILITARY SALES (FMS) PROGRAM TECHNICAL AND ADVISORY ASSISTANCE TO APPROPRIATELY DESIGNATED OFFICIALS OF THE GOVERNMENT OF SAUDI ARABIA.

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ACTION PM-03

INFO OCT-01 SS-14 ISO-00 INR-05 L-01 IGA-01 PRS-01 RSC-01

CIAE-00 NEA-06 SP-02 /035 W

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P 060945Z JAN 75

FM AMEMBASSY JIDDA

TO SECSTATE WASHDC PRIORITY 9745

SECDEF WASHDC

INFO AMCONSUL DHAHRAN PRIORITY

USMTM DHAHRAN

USCINCEUR VAIHINGEN GER

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LIMDIS

B. PROVIDE DEFENSE ARTICLES AND SERVICES TO THE GOVERNMENT OF SAUDI ARABIA ON A REIMBURSABLE BASIS UNDER THE FOREIGN MILITARY SALES (FMS) ACT. MAJOR DEFENSE ITEMS AND SERVICES CURRENTLY ANTICIPATED TO BE PROCURED UNDER THIS PROGRAM INCLUDE:

(1) FIGHTER AND TRANSPORT AIRCRAFT, HELICOPTERS, ANTI-TANK GUIDED MISSILES, FIELD ARTILLERY, ARMORED PERSONNEL CARRIERS, AIR DEFENSE UNITS, NAVAL VESSELS, OTHER ITEMS AS MUTUALLY AGREED, AND SUPPORTING ITEMS RELATED TO THE ABOVE.

(2) ADVISORY OR CONSULTING SERVICES LEADING TO THE ESTABLISHMENT OF NEW PROGRAMS OR CHANGES TO EXISTING PROGRAMS, IN THE AREAS OF COMMAND AND CONTROL, MANPOWER AND LOGISTICS MANAGEMENT, TRAINING, COMMUNICATIONS,

INTELLIGENCE, FINANCIAL MANAGEMENT, CONSTRUCTION AND
ENGINEERING, MEDICAL SERVICES, AND OTHER AREAS AS
MUTUALLY AGREED.

THE PROVISION OF DEFENSE ARTICLES AND ADVISORY OR
CONSULTING SERVICES MAY BE CARRIED OUT BY UNITED STATES
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COMMERCIAL FIRMS SELECTED BY AND UNDER CONTRACT TO THE
DEPARTMENT OF DEFENSE OF THE UNITED STATES IN ACCORDANCE
WITH ESTABLISHED FMS PROCEDURES. INsofar AS PRACTICABLE,
ALL MAJOR AND SUPPORTING DEFENSE ARTICLES WILL CONFORM
WITH UNITED STATES GOVERNMENT SPECIFICATIONS. PROCUREMENT
OF ALL DEFENSE ARTICLES AND SERVICES WILL BE EXECUTED BY
APPROPRIATE LETTERS OF OFFER AND ACCEPTANCE (DD FORM 1513)
(ANNEX A). (EMBASSY COMMENT: COPY OF BLANK FORM).

C. TO THE EXTENT PRACTICAL, UNDERTAKE TO COMBINE
PRODUCTION FOR SAUDI ARABIAN DEFENSE ARTICLES AND EQUIPMENT
WITH PRODUCTION FOR U.S. REQUIREMENTS SO AS TO GAIN
MAXIMUM COST SAVINGS FOR THE GOVERNMENT OF SAUDI ARABIA.

IIM SAUDI ARABIAN GOVERNMENT RESPONSIBILITY FOR
FUNDING, STAFFING AND SUPPORTING SERVICES

THE SAUDI ARABIAN GOVERNMENT, RECOGNIZING THAT MUT-
UALITY OF EFFORT AND RESPONSIBILITY ARE REQUISITE FOR
SUCESS OF ANY PROJECT, UNDERTAKE THEREFORE TO CARRY OUT
THE FOLLOWING FUNDING, STAFFING AND SUPPORTING SERVICES:

A. THE GOVERNMENT OF SAUDI ARABIA WILL BE RESPONSIBLE
FOR PAYMENT OF ALL DEFENSE ARTICLES AND SERVICES PROCURED
FOR THIS PROGRAM ON A "DEPENDABLE UNDERTAKING" BASIS AS
SET FORTH IN THE UNITED STATES FOREIGN MILITARY SALES
ACT.

B. THE GOVERNMENT OF SAUDI ARABIA WILL BE RESPON-
SIBLE FOR THE NECESSARY PLANNING, PROGRAMMING, PRIORITY
ESTABLISHMENT, RECRUITMENT AND SELECTION PROCESSES WHICH
ARE REQUIRED TO PROVIDE QUALIFIED MANPOWER TO MEET THE
EXPANDING REQUIREMENTS OF THE SAUDI ARABIAN ARMED FORCES
AND TO PROVIDE ALL SUCH OTHER SUPPORTING FACILITIES AND
SERVICES AS ARE REQUIRED AND WHICH ARE PRACTICABLE.

C. THE SAUDI ARABIAN GOVERNMENT WILL BEAR ALL THE
EXPENSES CONNECTED WITH THE PERFORMANCE WITHIN SAUDI
ARABIA OF THE DUTIES OF THOSE ASSIGNED OR ATTACHED TO THE
UNITED STATES MILITARY TRAINING MISSION. THESE EXPENSES
WILL INCLUDE TRAVEL AND TRANSPORTATION ON OFFICIAL BUSINESS
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WITHIN SAUDI ARABIA; PROVISION OF VEHICLES AND MAINTENANCE SERVICES NECESSARY FOR THE PERFORMANCE OF OFFICIAL DUTIES AND FOR SUCH OTHER REASONABLE TRANSPORTATION REQUIREMENTS AS MAY BE NECESSARY FOR THE DAILY WELL-BEING OF THE MEMBERS OF THE UNITED STATES MILITARY TRAINING MISSION AND THEIR DEPENDENTS; LEASING AND MAINTAINING HOUSING FACILITIES FOR MEMBERS OF THE UNITED STATES MILITARY TRAINING MISSION AND THEIR DEPENDENTS; TRAVEL AND EDUCATIONAL FUNDS FOR DEPENDENTS ENROLLED IN HIGH SCHOOLS OUTSIDE SAUDI ARABIA, AND TRAVEL FUNDS FOR DEPENDENTS ENROLLED IN COLLEGE OUTSIDE SAUDI ARABIA; PERIODIC RECREATIONAL TRAVEL OUTSIDE SAUDI ARABIA FOR MEMBERS OF THE UNITED STATES MILITARY TRAINING MISSION AND THEIR DEPENDENTS; OFFICE EQUIPMENT, INCLUDING INTERPRETERS, SECRETARIES, AND ADMINISTRATIVE PERSONNEL AS REQUIRED TO ACCOMPLISH THE TASKS OF THE UNITED STATES MILITARY TRAINING MISSION. FUNDS FOR THE FOREGOING WILL BE PROVIDED BY LETTERS OF OFFER AND ACCEPTANCE (ANNEX B). (EMBASSY COMMENT: USMTM FMS CASE UNZ).

III. PRIVILEGES AND IMMUNITIES

MILITARY PERSONNEL AND CIVILIAN EMPLOYEES OF THE UNITED STATES GOVERNMENT, AND THEIR DEPENDENTS, PRESENT IN SAUDI ARABIA IN CONNECTION WITH OR IN SUPPORT OF THIS UNDERTAKING, INCLUDING AMERICAN PERSONNEL, EMPLOYEES, AND DEPENDENTS ASSIGNED OR ATTACHED TO THE UNITED STATES MILITARY TRAINING MISSION TO SAUDI ARABIA, SHALL ENJOY THE STATUS AND ALL PRIVILEGES AND IMMUNITIES IDENTICAL TO THOSE SPECIFIED IN PART VII OF THE AGREEMENT BETWEEN OUR TWO GOVERNMENTS CONCERNING CONSTRUCTION OF MILITARY FACILITIES EFFECTED BY AN EXCHANGE OF NOTES AT JIDDA ON MAY 24 AND JUNE 5, 1965, FOR MEMBERS OF THE UNITED STATES ARMY CORPS OF ENGINEERS AND THEIR DEPENDENTS. FOR OTHER THAN CORPS OF ENGINEERS PERSONNEL AND FOR PURPOSES OF THIS MEMORANDUM OF UNDERSTANDING, THE SENIOR UNITED STATES MILITARY REPRESENTATIVE FOR THIS PROGRAM IN SAUDI ARABIA SHALL ASSUME THE FUNCTIONS PERFORMED BY THE SENIOR REPRESENTATIVE OF THE CORPS OF ENGINEERS UNDER PART VII OF THE AFOREMENTIONED AGREEMENT.

IV. GENERAL PROVISIONS

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A. THIS MEMORANDUM OF UNDERSTANDING IS EXECUTED IN

THE ENGLISH AND ARABIC LANGUAGES, EACH TEXT BEING EQUALLY AUTHENTIC.

B. THE SAUDI ARABIAN MINISTER OF DEFENSE AND AVIATION (MODA) (OR HIS DELEGATED REPRESENTATIVES) AND THE REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL MEET AT LEAST ANNUALLY TO REVIEW THE PROGRESS OF THIS UNDERTAKING IN THE CONTEXT OF TOTAL UNITED STATES/SAUDI ARABIAN COOPERATION IN THE FIELD SECURITY ASSISTANCE.

C. ANNEXES A AND B REFERRED TO HEREIN AND ATTACHED HERETO ARE BY THIS REFERENCE MADE A PART HEREOF.

D. THIS MEMORANDUM OF UNDERSTANDING SHALL REMAIN IN FORCE UNTIL ONE YEAR AFTER EITHER GOVERNMENT SHALL HAVE GIVEN TO THE OTHER WRITTEN NOTICE OF ITS INTENTION TO TERMINATE. IT IS UNDERSTOOD THAT ANY OUTSTANDING FINANCIAL OBLIGATION OF THE GOVERNMENT OF SAUDI ARABIA INCURRED PURSUANT TO THIS MEMORANDUM OF UNDERSTANDING SHALL BE UNAFFECTED BY ITS TERMINATION.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS MEMORANDUM OF UNDERSTANDING ON (DATE).

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA (SIGNED).

FOR THE GOVERNMENT OF SAUDI ARABIA (SIGNED).

END PROPOSED TEXT.

5. ACTION REQUESTED: REVIEW PROPOSED DRAFT AND AUTHORIZE EMBASSY TO PROCEED TO PRESENT PROPOSED MOU TO MODA.
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Message Attributes

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